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House Bill 5418 (Substitute H-1 as passed by the House)
Sponsor: Representative Larry DeVuyst
House Committee: Conservation and Outdoor Recreation
Senate Committee: Natural Resources and Environmental Affairs

Date Completed: 5-23-00

CONTENT

The bill would amend Part 201 (Environmental Remediation) of the Natural Resources and Environmental Protection Act to specify that for recovery of response activity costs that were incurred before July 1, 1991, the limitation period for filing actions under Part 201 would be July 1, 1994. The bill also specifies that this provision would be "curative and intended to clarify the original intent of the legislature" and would apply retroactively.

Currently, the limitation period for filing actions under Part 201 is as follows:

- For the recovery of response activity costs and natural resources damage that pertains to all response activity costs incurred by the State, any other necessary costs of response activity costs incurred by any other person, and damages for full value resulting from the release, within six years of initiation of physical on-site construction activities for the remedial action selected or approved by the Department of Environmental Quality at a facility.
- For one or more subsequent actions for recovery of response activity costs from liable persons, at any time during the response activity, if commenced no later than three years after the date of completion of all response activity at the facility.
- For civil fines under Part 201, within three years after discovery of the violation for which the civil fines are assessed.

For recovery of response activity costs and natural resources damages that accrued prior to July 1, 1991, the limitation period for filing actions under Part 201 is July 1, 1994. The bill would delete reference to response activity costs from this provision.

MCL 324.20140

Legislative Analyst: N. Nagata

FISCAL IMPACT

The bill would have an indeterminate impact on State recoveries for environmental cleanup costs. According to Department of Environmental Quality estimates, potential recoveries could amount to \$10 million to \$15 million.

Fiscal Analyst: P. Graham

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.